

JAMS ARBITRATION
REF. NO.: 1425035132

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FULL CIRCLE UNITED, LLC,

Plaintiff,

v.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

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BAY TECH ENTERTAINMENT, INC.,

Civ. Action No.:
1:20-cv-03395

Counterclaim-Plaintiff,

v.

FULL CIRCLE UNITED, LLC,

Counterclaim-Defendant,

and

ERIC PAVONY,

Additional Counterclaim Defendant.

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ORDER 9:

Correspondence was received from both parties, and a status conference, via Zoom, was conducted on February 22, 2022. As a result of that conference, the following order was issued.

1. The parties were represented on the call as follows:

Plaintiff & Counter-Defendants (Plaintiff, Full Circle or FCU):

McIntyre Thanasides
500 E. Kennedy Blvd., suite 200

Tampa, FL 33602
813-223-0000
By: Christina Casadonte-Apostolou

Defendant & Counter-Plaintiff (Defendant or Bay Tek):

Mitchell Silberberg & Knupp, LLP
437 Madison Ave., 25th fl.
New York, NY 10022
212-509-3900
By: Jeffrey M. Movit
jmm@msk.com
Leo Lichtman
lml@msk.com

2. Stenographer

Melanie Keefe

3. Special Master:

Hon. Shirley Werner Kornreich (ret.)
JAMS
620 Eighth Ave., 34th fl.
New York, N.Y. 10018
212-607-2929 (917-623-3350)
skornreich@jamsadr.com
address for sending documents:

[REDACTED]
[REDACTED]

4. Case Manager:

John Graber
JAMS
620 Eighth Ave., 34th fl.
New York, N.Y. 10018
212-607-2765

5. Depositions:

Fact discovery was extended and depositions ordered to be completed on or before March 31, 2022. The parties could not agree on some of the deposition dates. At the conference, the following deposition dates were ordered: Ryan Cravens would be deposed on March 4, 2022; Eric Whikman would be deposed on March 22, 2022; Larry Treankler

would be deposed on March 29, 2022; and Holly Hampton would be deposed on April 1, 2022. The fact discovery deadline is extended to April 1, 2022.

6. Document Discovery:

Plaintiff served document requests for Mr. Rapelle and Mr. Phillipon. Defendant will serve an affidavit stating that Mr. Rapelle has no documents in his possession. At Mr. Phillipon's deposition, plaintiff may inquire of him as to whether he has relevant documents in his possession, and if he answers that he does, plaintiff may request that he produce those documents.

7. Privilege Log:

This morning, plaintiff will send defendant a list of documents they dispute as privileged. The parties, then, will meet and confer at an agreeable time today, to try to work out their disputes about privilege. Should they still have disputes, they will each write a short letter brief on the issues to the special master.

8. Joint Letter:

The parties will write a joint letter to Judge Cogan, informing him that depositions are to take place in March and asking him for guidance as to whether the complaint will be amended to encompass further claims.

February 22, 2022

/s/ Shirley Werner Kornreich
SHIRLEY WERENER KORNREICH

PROOF OF SERVICE BY E-Mail

Re: Full Circle United, LLC vs. Bay Tek Entertainment, Inc.
Reference No. 1425035132

I, John Graber, not a party to the within action, hereby declare that on February 22, 2022, I served the attached Order No. 9 on the parties in the within action by electronic mail at New York, NEW YORK, addressed as follows:

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Christina Casadonte-Apostolou Esq.
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Parties Represented:
Eric Pavony
Full Circle United, LLC

Mr. Reid Skibell
Glenn Agre Bergman & Fuentes
& Matth 55 Hudson Yards
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Phone: 212-358-5600
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Parties Represented:
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Full Circle United, LLC

Christine T. Lepera Esq.
Jeffrey M. Movit Esq.
Leo Lichtman Esq.
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Parties Represented:
Bay Tek Games, Inc.

Eric Pavony
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Parties Represented:
Eric Pavony
Full Circle United, LLC

I declare under penalty of perjury the foregoing to be true and correct. Executed at New York, NEW YORK on February 22, 2022.

/s/ John Graber
John Graber

JAMS
JGraber@jamsadr.com